**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 1937 OF 2004**

M/s.Infosys Autocad Systems (India) Ltd. & Anr. ...Petitioners

V/s.

M/s.Toch Pacific (India) Ltd & Anr. ...Respondents

Shri H.S. Khokawala i/b. M/s.Nankani & Associates for Respondent No.1.
Mrs.M.M. Deshmukh, APP for State.

**CORAM : V.M. KANADE, J.**

**DATED : AUGUST 2, 2006**

**P.C. :-**

. By order dated 15th October, 2004, this court had issued notice subject to certain conditions which are recorded in para 3 of the said order. It was made clear that only on the understanding as was given to the petitioner in para 3 of the said order, notice was issued to the respondents. After the said notice was served, the matter was placed on the board on 8th June, 2006. However, neither the petitioner nor his counsel appeared before this Court. Two weeks' time was granted as a last chance and it was observed that if the petitioner or his counsel did not appear on the next date, matter was liable to be dismissed for

non-prosecution.

2. Today, neither the petitioner nor his counsel are present. It is obvious that the conditions imposed by this court in para 3 of the order dated 15th October, 2004 are not complied by the petitioner.

3. The petition, therefore, is dismissed.

4. The hearing of the criminal appeal is expedited. The Appellate Court to decide the criminal appeal, as expeditiously as possible and in any case, within a period of three months.

**(V.M. Kanade, J.)**